

In the
Indiana Supreme Court



IN THE MATTER OF THE
APPROVAL OF LOCAL RULES
FOR HAMILTON COUNTY

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Case No. 29S00-1107-MS-404

ORDER APPROVING AMENDED LOCAL RULE

The judges of the Hamilton Circuit and Superior Courts request the approval of an amended local rule for appointment of special judges in accordance with Ind. Trial Rule 79. Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Hamilton Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR29-TR79-209, complies with the requirements of Ind. Trial Rule 79, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Hamilton County Local Rule, LR29-TR79-209, set forth as an attachment to this Order, is approved effective July 1, 2011, provided further that the rule shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. J. Richard Campbell, Hamilton Superior Court 4, One Hamilton Square, #292, Noblesville, 46060-2614; the Hon. Paul A. Felix, Hamilton Circuit Court, One Hamilton Square, #337, Noblesville, 46060-2652; the Hon. William J. Hughes, Hamilton Superior Court 3, One Hamilton Square, #311, Noblesville, 46060-2614; the Hon. Steven R. Nation, Hamilton Superior Court 1, One Hamilton Square, #345, Noblesville, 46060-2232; the Hon. Daniel J. Pfleging, Hamilton Superior Court 2, One Hamilton Square, #384, Noblesville, 46060-2614; the Hon. Wayne A. Sturtevant, Hamilton Superior Court 5, One Hamilton Square, #297, Noblesville, 46060-2232; the Hon. Gail Z. Bardach, Hamilton Superior Court 6, One Hamilton Square, #215, Noblesville, 46060-2614; to the Clerk of the Hamilton Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Hamilton Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 1st day of July, 2011.

RT Shepard
Randall T. Shepard
Chief Justice of Indiana

LR29-TR79-209. COORDINATED LOCAL RULE OF THE COURTS OF HAMILTON COUNTY, ENACTED IN COMPLIANCE WITH T.R. 79 (H)

209.10 Pursuant to Trial Rule 79(H) of the Indiana Rules of Trial Procedure, the Circuit and Superior Courts of Hamilton County, in conjunction with the other Judges Administrative District 12, i.e., Boone County, Clinton County, and Tipton County, Indiana, have adopted the following rule to establish procedures for the selection of special judges in civil cases. Said rule, as approved by the Supreme Court of Indiana, is as follows:

209.20 This rule shall be subject to any previous orders of the Supreme Court of Indiana for the appointment of judges which may be in effect or which may become effective subsequent to the entry of this rule. Such orders shall preempt this rule and shall take precedence over it.

209.30 Pursuant to Trial Rule 79(D), parties to a civil action may agree (with concurrence of the judge selected) to any particular special judge.

209.40 In the absence of an agreement as to a particular special judge, the parties, pursuant to Trial Rule 79(E), may consent to have the regular sitting judge appoint a special judge from a list of local judges, magistrates, or senior judges.

209.50 In the event a special judge is not selected as provided in the paragraphs above, and excepting where the judge has disqualified and recused himself or herself under Trial Rule 79(C), the judge before whom the case is pending shall submit a panel of three eligible persons, constituted as set forth below, to the parties for striking. To avoid an unnecessary application of Trial Rule 79(H), the judges of the District agree that a special judge selected from such a panel shall accept jurisdiction unless disqualified pursuant to the *Code of Judicial Conduct* or excused from service by the Indiana Supreme Court if:

- a. each member of the panel has agreed to serve prior to being named to the panel;
- b. the case is filed in a Hamilton County court and the panel consists of three sitting judges or magistrates serving within the county;
- c. the case is filed in a Boone County court and the panel consists of the two remaining Boone County judges and one sitting judge serving in either Clinton County or Tipton County who shall be appointed on a rotating basis;
- d. the case is filed in a Clinton County court and the panel consists of the remaining Clinton County judge and two sitting judges serving in either Boone County or Tipton County who shall be appointed on a rotating basis; or,
- e. the case is filed in the Tipton County Circuit Court and the panel consists of a combination of three judges sitting in Boone County, Clinton County or Tipton County who shall be appointed to the panel on a rotating basis.

Where the appointment to a panel under this section is on a rotating basis, it will be the responsibility of the county making the appointment to properly record and rotate appointments to the panel.

209.60 If a special judge is required to be selected under Trial Rule 79(H), then the special judge shall be selected on a rotating basis from the following list:

- a. Boone Circuit Court.
- b. Clinton Circuit Court.
- c. Judge of the Hamilton Circuit Court .
- d. Judge of the Tipton Circuit Court.
- e. Judge of the Boone Superior Court No. 1.
- f. Judge of the Clinton Superior Court No. 1.
- g. Judge of the Hamilton Superior Court No. 1.
- h. Judge of the Boone County Superior Court No. 2.
- i. Judge of the Hamilton Superior Court No. 2.
- j. Judge of the Hamilton Superior Court No. 3.
- k. Judge of the Hamilton Superior Court No. 4.
- l. Judge of the Hamilton Superior Court No. 5.
- m. Judge of the Hamilton Superior Court No. 6.

209.70 A special judge selected under 209.60 must accept jurisdiction unless disqualified pursuant to the *Code of Judicial Conduct* or excused from service by the Indiana Supreme Court but shall not be eligible to be named again as a special judge under 206.60 until every person on the list has served. The Administrator of Courts for Hamilton County shall maintain a copy of the above list and shall be notified each time a judge is selected from it. The Administrator of Courts shall be responsible to keep the list updated with those who have served, and to provide on request the name of the next judicial officer on the list.

209.80 In the event that no judicial officer within Administrative District 12 is eligible to serve as special judge or the particular circumstance of the case warrants selection of a special judge by the Indiana Supreme Court, the judge of the Court in which the case is pending shall certify the matter to the Indiana Supreme Court for appointment of a special judge.